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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,001

Applicant(s)

MCARDLE ET AL.

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-39 are pending in the application.
2. Claims 1-39 have been rejected.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds the 150-word limit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1- 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shwed et al U.S. Patent No. 5,835,726 in view of Van Gaasbeck et al U.S. Patent No. 6,687,762 B1.**

As to claims 1, 3, 5, 13, 15, 17, 25, 27 and 33-36, Shwed et al discloses intercepting a portion of outgoing network data characteristic of the operating system [column 1, lines 51-58].

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Shwed et al does not teach masking the portion of outgoing network data to impersonate a different operating system in accordance with a security policy if the network is an untrusted network. Shwed et al does not teach replacing the portion of outgoing network data with data characteristic of the different operating system.

Van Gaasbeck et al teaches impersonating a different operating system in accordance with a security policy if the network is an untrusted network [column 4 line 61 to column 5 line 21]. Van Gaasbeck et al teaches replacing the portion of outgoing network data with data characteristic of the different operating system [column 4 line 61 to column 5 line 21].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shwed et al so that the firewall would have missed the portion of outgoing network data to impersonate a different operating system in accordance with a security policy if the network is an untrusted network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shwed et al by the teaching of Van Gaasbeck et al because certain operating system more vulnerable to attacks. Therefore, if it were an untrusted network, you would not want an outsider to penetrate your operating system.

As to claims 2, 14 and 26, the Shwed-Van Gaasbeck combination teaches discarding the portion of outgoing network data [Shwed et al column 6, lines 28-38].

As to claims 4 and 16, the Shwed-Van Gaasbeck combination teaches that the security policy identifies the portion of outgoing network data and specifies an action to take to mask the portion of outgoing network data [Shwed et al column 6, lines 39-54].

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As to claims 6, 18 and 39, the Shwed-Van Gaasbeck combination teaches that the security policy further defines the network as untrusted [Shwed et al column 9, lines 18-50].

As to claims 7, 19 and 29, the Shwed-Van Gaasbeck combination teaches receiving the security policy through the network [Shwed et al column 7, lines 33-65].

As to claims 8, 20 and 30, the Shwed-Van Gaasbeck combination teaches modifying the security policy based on user input [Shwed et al column 7, lines 33-65].

As to claims 9, 21 and 28, the Shwed-Van Gaasbeck combination teaches transmitting the portion of outgoing network data unchanged if the network is a trusted network [Shwed et al column 9, lines 18-50].

As to claims 12, 24 and 32, the Shwed-Van Gaasbeck combination teaches that the method is integrated into a firewall that protects the computer [Shwed et al column 14, lines 19-39].

As to claims 10, 22, 31, 37 and 38, the Shwed-Van Gaasbeck combination teaches the method further comprising:

intercepting a portion of incoming network data, as discussed above; and
sending a false response to the portion of incoming network data to impersonate the different operating system in accordance with the security policy if the network is an untrusted network [Shwed et al column 10 line 53 to column 11 line 13].

As to claims 11 and 23, the Shwed-Van Gaasbeck combination teaches that the security policy identifies the portion of incoming network data and the false response [Shwed et al column 7, lines 33-65].

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
September 24, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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